



**MINUTES
COLORADO STATE BOARD OF NURSING
FULL BOARD MEETING
WEDNESDAY, OCTOBER 24, 2007**

MEMBERS PRESENT: SANDRA SUMMERS, RN, PRESIDENT; CANDACE BERARDINELLI, PHD, RN, VICE PRESIDENT; VICTORIA BROERMAN, RN; JUDITH BURKE, RN, NP; PEGGY BUNKE, RN, NP; TONI GIBBONS, LPN; JOHN KLEINHEKSEL, JD; SHARON PAPPAS, RN, PHD; JANET PUGLISI, RN;

PRESIDING: SANDRA SUMMERS, RN; PRESIDENT

COUNSEL: Y. E. SCOTT, ASSISTANT ATTORNEY GENERAL

STAFF: MARK MERRILL, PROGRAM DIRECTOR

1. CONVENE AND ROLL CALL (8:58 A.M.)

Sandra Summers, RN, President, called the meeting to order and conducted a roll call of the Board members present. All members were present except as noted:

- Betty Wolfe, LPN excused absence
- Thomas Kanan, JD unexcused absence
- Victoria Broerman, RN, arrived at 9:09 A.M.

2. APPROVAL OF MINUTES (9:00 A.M.)

The Board noted a couple of clarification changes and corrected a few typos from a previously reviewed draft. Then a Motion was made, seconded, and carried to approve the August 1, 2007 Full Board minutes as amended.

3. PROGRAM DIRECTOR'S REPORT (9:03 A.M.)

Mark Merrill, Program director, gave a report to the Board regarding the following information and updates:

A new member of Board staff, Brandy Valdez Murphy had been recently hired as the Complaints Supervisor. Director Merrill informed the Board of Ms. Valdez Murphy's background with the state which includes experience with the Governor's office in the complaints department.

Director Merrill gave an account to the Board of his trip with Sandra Summers, RN, President, of their attendance at the annual meeting of the National Council of State Boards of Nursing where they participated in several discussions with member states, and discussed the initiatives for the changes to the Board Rules, Chapter XIII, for other Boards who are addressing the delegation of the administration of insulin in the school setting.

Director Merrill informed the Board that the implementation of the Nurse Compact occurred on the first of October and that Board staff was working with the IT department on the transfer of data and records to NURSYS computer system with NCSBN.

Director Merrill briefly addressed the Rulemaking Hearings scheduled for the meeting and explained the need to make changes to the Chapter I – Licensure rules to further define minimum language requirements for applicants taking the NCLEX exam.

Director Merrill informed the Board of Roberta Hills, Education Specialist's attendance at the NCLEX NCSBN invitational which was intended to promote consistent reporting of NCLEX pass rates.

Director Merrill gave the Board a copy of a power point presentation he created to help educate the public about the Nurse Compact and text for an article for the Colorado Hospital and Colorado Nurse newsletter.

Director Merrill informed the Board that the RFPs were reviewed for the contract for the Colorado Nurse Health Peer Assistance Program/Alternative to Discipline and evaluated. The "Intent to Award" was made to Colorado Nurse Health Program (CNHP).

4. RULEMAKING HEARING: CHAPTER IX – RULES AND REGULATIONS FOR THE LICENSED PRACTICAL NURSE IN RELATION TO IV AUTHORITY (9:11 A.M.)

At 9:11 A.M. the board convened a public rulemaking hearing to consider, pursuant to notice, proposed changes to the Chapter IX rules.

Written testimony was received and reviewed by the Board prior to the rulemaking hearing from:

Carolynn Cassutt, RN, CRNI, CLNC, Presidential Advisor, Rocky Mountain Chapter of the Infusion Nurses Society. President, Carolynn Cassutt Consulting, Inc., Centennial, Colorado.

Public testimony was given during the rulemaking hearing by:

Carolynn Cassutt, RN, CRNI, CLNC, Presidential Advisor, Rocky Mountain Chapter of the Infusion Nurses Society. President, Carolynn Cassutt Consulting, Inc., Centennial, Colorado.

At 9:17 A.M. public testimony was concluded and the public hearing was closed. The Board entered into a work session in order to discuss proposed changes to the Chapter IX rules.

At 10:07 A.M., after a full opportunity for submission of oral and written comments by the public at the October 24, 2007 rulemaking hearing, and after due consideration, a Motion was made, seconded and carried to adopt the Chapter IX rules with amendments, including statement of basis, statutory authority and purpose. The Chapter IX “Rules and Regulations for the Licensed Practical Nurse in Relation to IV Authority” are attached and incorporated herein by this reference and became effective December 31, 2007.

5. RECESS(10:08 A.M.)

At 10:08 A.M. the Board took a ten minute recess.

6. RULEMAKING HEARING: CHAPTER XI – RULES AND REGULATIONS FOR APPROVAL OF NURSE AIDE TRAINING PROGRAMS (10:19 A.M.)

At 10:19 A.M. the Board convened a public rulemaking hearing to consider, pursuant to notice, proposed changes to the Chapter XI rules.

Written testimony was received and reviewed by the Board prior to the rulemaking hearing from:

- Julie Reiskin, Executive Director, Colorado Cross-Disability Coalition, Denver, Colorado.
- William J. Whatley, Owner/Administrator, and Nancy Whatley, RN and Owner/Program Coordinator, Nurse Nancy LLC/Front Range Nurse Aide Training Program, Colorado Springs, Colorado.

The Board reviewed staff testimony from Shanon St. Hilaire, Program Inspector outlining the proposed changes to the Board further clarifying purpose and intent.

Public testimony was given during the rulemaking hearing by:

- Ellen Caruso, Executive Director, Home Care Association of Colorado, Centennial, Colorado.
- William Whatley, Owner/Administrator, Nurse Nancy LLC/Front Range Nurse Aide Training Program, Colorado Springs, Colorado.

At 10:35 A.M. public testimony was concluded and the public hearing was closed. The Board entered into a work session in order to discuss proposed changes to the Chapter XI rules.

At 11:10 A.M., after a full opportunity for submission of oral and written comments by the public at the October 24, 2007 rulemaking hearing, and after due consideration, a Motion was made,

seconded and carried to adopt the Chapter XI rules with amendments, including statement of basis, statutory authority and purpose. The Chapter XI “Rules and Regulations for Approval of Nurse Aide Training Programs” are attached and incorporated herein by this reference and became effective December 31, 2007.

7. RULEMAKING HEARING: CHAPTER I - RULES AND REGULATIONS FOR THE LICENSURE OF PRACTICAL AND PROFESSIONAL NURSES (11:10 A.M.)

Written testimony was received and reviewed by the Board prior to the rulemaking hearing from:

- E-mail from Dorothy Craven, SSgt USAF.

Prior to the rulemaking hearing the Board reviewed three memos from staff:

- Memo from Roberta Hills, Nursing Education Specialist regarding proposed language to the rules for a language proficiency requirement. Note: Please see item 8 of these minutes, Policy Changes, for Board approval of corresponding proposed policy 10-05 *English Competency Requirements for Licensure*.
- Memo from Linda Metzner, Practice Specialist regarding proposed language for Chapter I, Section 2, *Requirements for all Applicants*.
- Memo from Karen Dechant, Nurse Compact Administrator regarding proposed language for Chapter I, Section 4, *Licensure by Endorsement*. Note: Please see item 8 of these minutes, Policy Changes for Board approval of corresponding revised policy 10-03 Continuing Competency Requirements for RN, LPN.

No one from the public appeared to present oral testimony at the Rulemaking Hearing.

At 11:11 A.M. public testimony was concluded and the public hearing was closed. The Board entered into a work session in order to discuss proposed changes to the Chapter I rules.

At 11:19 A.M., after a full opportunity for submission of oral and written comments by the public at the October 24, 2007 rulemaking hearing, and after due consideration, a Motion was made, seconded and carried to adopt the Chapter I rules with amendments, including statement of basis, statutory authority and purpose. The Chapter I “Rules and Regulations for the Licensure of Practical and Professional Nurses” are attached and incorporated herein by this reference and became effective December 31, 2007.

8. POLICY CHANGES (11:20 A.M.)

1. Proposed Policy 10-05 *English Competency Requirements*. After discussion, a Motion was made, seconded and carried to adopt policy 10-05 as proposed.

2. Revised Policy 10-02 *Exemptions for Former Nurse Lay Midwives Returning to the Practice of Nursing*. The Board reviewed proposed revisions to policy 10-02. After discussion, a Motion was made, seconded and carried to adopt policy 10-02 as amended.

3. Revised Policy 10-03 *Continuing Competency Requirements for RN, LPN*. The Board reviewed proposed revisions to policy 10-03. After discussion a Motion was made, seconded and carried to adopt policy 10-03 as amended.

4. Proposed Policy 50-01 *Licenses Subject to Conditions Pursuant to a Board Order Regarding the Nurse Licensure Compact*. After discussion a Motion was made, seconded and carried to adopt policy 50-01 as amended.

5. Proposed Policy 60-03 *Nurse Aide Training Program Pass Rates*. After discussion a Motion was made, seconded and carried to adopt policy 60-03 as amended.

9. OPEN FORUM (11:34 A.M.)

No testimony was given during open forum.

10. LUNCH (11:35 A.M.)

The Board recessed for one hour for lunch.

11. DISCUSSION OF MEETING DATES AND CALENDAR FOR 2008 (12:37 P.M.)

The Board reviewed the proposed meeting dates for the calendar year of 2008. After discussion, the Board moved the Panel and Full Board meetings for the month of July to the 29th, 30th, and 31st and approved the calendar and meeting dates for 2008 as amended.

12. NURSING EDUCATION REPORTS (12:43 P.M.)

Phase I Applications

CollegeAmerica – ADN Registered Nursing Program. The Board reviewed a memorandum from Roberta Hills, Nursing Education Specialist, and supporting documentation. After discussion, a Motion was made, seconded and carried to deny Phase I recognition.

Mile High Academy – PN Program. The Board reviewed a memorandum from Roberta Hills, Nursing Education Specialist, and supporting documentation. After discussion, a Motion was made,

seconded and carried to allow Phase I recognition. The Board also moved to grant permission to allow Mile High Academy to move to Phase II recognition, with deficiencies outlined in Ms. Hills' memo to be addressed by November 30, 2007, and to allow twenty students to be admitted annually.

Phase II Recognition

Academy of Medical and Health Sciences – PN Program. The Board reviewed a memorandum from Roberta Hills, Nursing Education Specialist, and supporting documentation. After discussion, a Motion was made, seconded and carried to grant Phase II recognition pending Academy of Medical and Health Sciences addressing deficiencies outlined in Ms. Hills' memo by December 31, 2007.

Phase III Application Site Visits

Mesa State College – PN Program site visit. The Board reviewed a memorandum from Roberta Hills, Nursing Education Specialist, and supporting documentation. After discussion a Motion was made, seconded and carried to accept Mesa State's plan to address deficiencies outlined in Ms. Hills' memo and apply for Phase IV Full Approval by June 2008.

Phase IV Self-Study Application for Interim Approval

Denver School of Nursing – BSN Program. The Board reviewed a memorandum from Roberta Hills, Nursing Education Specialist, and supporting documentation. After discussion a Motion was made, seconded and carried to grant continued Interim Approval for a period of one year.

Waiver Request

Denver School of Nursing – PN Exit Option. The Board reviewed a memorandum from Roberta Hills, Nursing Education Specialist, and supporting documentation. The Denver School of Nursing requested a waiver for the Chapter II rules, Section 3.1 "All Nursing Education Programs must be located in or otherwise accredited as a post-secondary educational institution." After discussion, a Motion was made, seconded and carried to grant the Denver School of Nursing a waiver and give them an additional year to obtain regional accreditation.

Phase IV Applications for Continued Interim Approval

Denver School of Nursing – PN Exit Option. The Board reviewed a memorandum from Roberta Hills, Nursing Education Specialist, and supporting documentation. After discussion, a Motion was made, seconded and carried to grant continued interim approval based upon the granted waiver and revised syllabus with corrected clinical hours for additional quarter of obstetrics and pediatric clinical rotation.

Follow-up on Site Visit Deficiencies and Decision for Continuing Approval

Delta Montrose Technical College – PN Program. The Board reviewed a memorandum and supporting documentation from Roberta Hills, Nursing Education Specialist. After discussion, a Motion was made, seconded and carried to grant continuing Full Approval pending the program submission of the course syllabi in the current curriculum plan for accessing nursing and healthcare literature for the ProQuest online library, a letter acknowledging the inconsistent information in public documents with plan for correction, and a plan to achieve 85% concurrency in clinical experiences to be accomplished by December 31, 2007.

Emily Griffith Opportunity School – PN Program. The Board reviewed a memorandum from Roberta Hills, Nursing Education Specialist, and supporting documentation. After discussion, a Motion was made, seconded and carried to grant continuing Full Approval.

Waiver Request

Front Range Community College Boulder Campus – LPN and ADN Program. The Board reviewed a memorandum from Roberta Hills, Nursing Education Specialist, and supporting documentation. Front Range Community College requested a waiver of the required Masters in Nursing degree requirement for Ms. Lori DuCharme, faculty member in the Professional Nursing program, based on academic and professional qualifications. After discussion, a Motion was made, seconded and carried to grant a waiver of the Masters in Nursing education and to allow Ms. DuCharme to be a faculty member of FRCC – Boulder campus.

Education Notes

Colorado Technical University Pueblo Campus – ADN RN Program. The Board noted a letter that was sent by Roberta Hills, Nursing Education Specialist granting this program Phase II recognition and Interim approval allowing them to admit 24 students three times annually to their ADN program in Pueblo.

National American University Denver Campus - ADN RN Program. The Board noted the new Director of Nursing, corrected deficiencies, and current Phase II recognition.

Platt College BSN Program. The Board noted this program's change in the frequency of admission dates and the number of students enrolled and Roberta Hills, Nursing Education Specialist's recommendation to the program that they provide a report outlining evidence of their ability to accommodate extra students. The Board also noted the program's decision to reduce student admission rate in lieu of submitting the required report.

The Board noted the change in Nursing Education Program Directors for the following programs.

1. Ms. Linda Stroup was appointed to the Chair of Nursing Department at Metropolitan State College of Denver and Director of the Accelerated Nursing Program.
2. Dr. Nancy Smith was appointed as Associate Dean at the University of Colorado at Colorado Springs Beth-El Nursing Program.
3. Dr. Barbara White was appointed Associate Dean of Colorado Christian University Nursing Program.

The Board reviewed and noted a handout from Roberta Hills, Nursing Education Specialist from Colorado Community College System Curriculum update.

The Board reviewed a recommendation for an interpretation of the Chapter II rules, Section 3.4 C "there must be a minimum of one (1) full-time nursing Faculty to every four (4) part-time nursing faculty and/or ANIP for the Nursing Education Program," where the ratio would be calculated based on the number of full time faculty teaching nursing courses in a program (RN-ADN; RN-BSN; or PN stand alone) in an academic term (semester, quarter, module, etc) to the number of part-time nursing faculty and/or ANIP teaching nursing courses in that same program during that same academic year. The Board agreed with Ms. Hills' recommendation of this interpretation.

13. NURSE AIDE AND OTHER EDUCATION REPORTS (1:36 P.M.)

The following decisions made by Shannon St. Hilaire, Nurse Aide Program Inspector, were ratified by the Board:

Recommended Full Approval

- 06/28/2007 - Certification Plus
- 09/06/2007 - Pikes Peak Community College/Falcon Nurse Aide Training Program
- 09/18/2007 - St. Vincent Nurse Aide Training Program

Continued Full Approval

- 08/09/2007 - Red Rocks Community College
- 08/01/2007 - Heritage Park Care Center
- 08/22/2007 - Yuma Life Care Center
- 08/30/2007 - Spalding Rehabilitation Hospital
- 09/05/2007 - Kiowa County District Hospital Nurse
- 09/10/2007 - Columbine Health Systems
- 09/24/2007 - Holly Nursing Care Center

Reactivated Continuing Approval

- 09/26/2007 - Colorado Mountain College - Vail

Deactivated Programs

- 07/10/2007 - Life Choices of the Rockies
- 08/03/2007 - Emily Griffith Opportunity School - Nurse Aide
- 08/09/2007 - Brookside Inn (Also CDPHE Loss 09/24/2007)
- 08/13/2007 - Colorado Council of Black Nurses

Closed Programs

- 08/09/2007 - American College

Colorado Department of Public Health and Environment Loss

- 09/24/2007 - Columbine Manor
- 09/27/2007 - E Dene Moore Care Center

14. COLORADO NURSE HEALTH PROGRAM (CNHP) FISCAL YEAR '06 REPORT UPDATE (1:38 P.M.)

The Board reviewed a memorandum from Marjorie Derozier, CNHP Director, regarding statistics of CNHP participants during the 2006 Fiscal Year ending in June of 2007. The Board discussed the findings and made recommendations for future reporting methods and formats.

15. UNLICENSED PERSONS (2:06 P.M.)

Jozetta L. Martinez, NA 515692. The Board reviewed a memorandum from Terrie Miller, Enforcement Manager, and supporting documentation. After discussion a Motion, was made, seconded and carried with one abstention, to refer the case to the Office of the Attorney General for a Cease and Desist Order.

16. OFFICE OF THE ATTORNEY GENERAL (2:11 P.M.)

Y. E. Scott, Assistant Attorney General gave a short presentation on ethics in case review and decision making.

The Board entered into executive session at 2:20 P.M. in order to discuss with counsel information that is subject to attorney-client privilege pursuant to C.R.S. §24-6-402(3)(a)(II), and (III) and on the provisions requiring confidentiality, as identified as C.R.S. §18-4-412 regarding Lisa Potter, Unlicensed Person. The Board returned to open session at 2:25 P.M.

After discussion, a Motion was made, seconded and carried to administratively close the case pertaining to Lisa Potter, Unlicensed Person.

The Board noted the case statistics report from Y. E. Scott, Assistant Attorney General.

There being no further business the Board of Nursing adjourned the meeting at 2:24 P.M.

Sandra Summers, RN, President
State Board of Nursing